

## Section IV Emergency Rules

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on August 7, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(d), F.A.C.; subsection 61C-1.005(2)(a), Florida Administrative Code and Section 5-202.11(A), 2001 FDA Food Code from Umberto's of Long Island located in Dunedin, FL. The above referenced Florida Administrative Code specifically addresses the proper disposal of sewage. The Petitioner is requesting to operate without a fixed plumbing system and to provide water or dispose of waste water at the hand wash sink.

A copy of the Petition for Variance or Waiver may be obtained by emailing: [Rhonda.Steele@dbpr.state.fl.us](mailto:Rhonda.Steele@dbpr.state.fl.us).

NOTICE IS HEREBY GIVEN THAT on September 2, 2008, the Board of Accountancy, received a petition for Timothy R. Shelley, seeking a variance or waiver of paragraph 61H1-27.001(5)(a), Florida Administrative Code, which lists the requirements for an applicant for licensure who hold a degree from an accredited college.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN THAT on October 11, 2007, the Bureau of Beaches and Coastal Systems has issued an order.

#### **NOTICE OF INTENT TO GRANT VARIANCE**

The Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0261499-002-EV) to the City of Boca Raton c/o Coastal Planning and Engineering, from paragraph 62-4.244(5)(c), Florida Administrative Code (F.A.C.), to allow a temporary mixing zone greater than 150 meters within an area of Class III Waters of the Atlantic Ocean. The variance is associated with the North Boca Raton Second Periodic Beach Nourishment Project (File No. 0261499-001-JC). The activity is located in Palm Beach County, Sections 9 and 16, Township 47 East, Range 34 East, Atlantic Ocean, Class III Waters.

A person whose substantial interests are affected by the Department's proposed action may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the variance or even a denial of the application. Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)1., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.201, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under

Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Caitlin Lustic by phone (850)413-7766 or by e-mail: caitlin.lustic@dep.state.fl.us. The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

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NOTICE IS HEREBY GIVEN that on August 21, 2008, the Department of Environmental Protection, received a petition for variance from the water treatment plant staffing requirements in paragraph 62-699.310(2)(e) and subsection 62-699.311(4), F.A.C., from the City of Tallahassee. This variance has been assigned OGC File No. 08-2125. Comments must be received no later than 14 days from the date of this publication, and should be sent to the person named below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Virginia Harmon, Department of Environmental Protection, Drinking Water Section, MS 3530, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400, (850)245-8630.

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NOTICE IS HEREBY GIVEN THAT on August 27, 2008, the Bureau of Beaches and Coastal Systems, received a petition for variance, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from subparagraphs 62B-33.0051(2)(b)1., and 3., F.A.C., which provides citing and design criteria where construction of armoring shall be authorized. The petition was received from Gunster, Yoakley & Stewart, P.A., on behalf of the Sand Cliff's Owners Association, Inc., regarding WL-943 AR ATF. The property is located at 9064 East Co. Hwy. 30A, in Walton County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with the Department at 3900

Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

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**DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that it has received a petition, filed on August 28, 2008, by Allen Grossman, Esq. on behalf of Sandra R. Brener, DDS, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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The Board of Dentistry hereby gives notice that it has received a petition, filed on August 25, 2008, by Edwin R. Bayo, Esq. on behalf of Johanny Caceres, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the requirement that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior; and/or subsection 64B5-7.003(4), F.A.C., with respect to the unacceptability of experience obtained by an individual pursuant to a permit issued under the authority of Rule 64B5-7.003, F.A.C., and Section 466.025, F.S., for the purpose of fulfilling the supplemental education program set forth in Section 466.006(3)(b), F.S.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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The Board of Dentistry hereby gives notice that it has received a petition, filed on August 25, 2008, by Edwin R. Bayo, Esq. on behalf of Ivan Izquierdo, D.M.D., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the requirement that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior; and/or subsection 64B5-7.003(4), F.A.C., with respect to the unacceptability of experience obtained by an individual pursuant to a permit issued under the authority of Rule 64B5-7.003, F.A.C., and Section 466.025, F.S., for the purpose of fulfilling the supplemental education program set forth in Section 466.006(3)(b), F.S.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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The Board of Dentistry hereby gives notice that it has received a petition, filed on August 28, 2008, by Thelma Ferrer Joseph, seeking a waiver or variance of Rule 64B5-2.0144, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes Dental Hygiene clinical education to the level of the clinical experience required by an American Dental Association (ADA) unaccredited Dental Hygiene program.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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The Board of Dentistry hereby gives notice that it has received a petition, filed on August 28, 2008, by Vivian Manjarres, DDS, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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The Board of Hearing Aid Specialists hereby gives notice that it has received a petition, filed on September 2, 2008, by Mariaelena Torres-Ramos seeking a waiver or variance of Rule 64B6-8.003, F.A.C., regarding the training program requirements and qualification to take the examination.

Comments on this petition should be filed with: Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN that on September 5, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Thomas (Tom) Timothy P.A., on April 30, 2008, seeking a waiver or variance from Rule 64B8-30.003, F.A.C., with regard to the rule provision which requires letters of recommendation from supervising physicians. The Notice was published in Vol. 34, No. 19, of the Florida Administrative Weekly, on May 9, 2008. The Board, at its meeting held on August 14, 2008, granted the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN that on August 29, 2008, the Board of Pharmacy, received a petition for Jagadish Chandra Ghosh, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Friends of the Museum of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 3, 2008, 9:00 a.m. – 12:00 Noon

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison at the Museum of Florida History at (850)245-6400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Elyse Cornelison at the Museum of Florida History

at (850)245-6400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Elyse Cornelison at the Museum of Florida History at (850)245-6400.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 10:00 a.m.

PLACE: Hawthorne-Hyatt Suites, 7450 Augusta National Drive, Orlando, Florida (adjacent to Hilton Garden Inn Airport location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by contacting: Robert H. Jacobs, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, or by calling Robert Jacobs at (850)488-9790.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Robert Jacobs at (850)488-9790. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF EDUCATION

The **State Board of Education** announces a workshop to which all persons are invited.

DATE AND TIME: September 29, 2008, 1:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Next Generation Strategic Plan.

A copy of the agenda may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education at (850)245-9661 or e-mail lynn.abbott@fldoe.org.

The **Florida Covering Kids and Families Coalition** at USF announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 25, 2008, 10:00 a.m.

PLACE: The Lawton and Rhea Chiles Center, University of South Florida, Bilirakis Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Membership.

Florida Kidcare program updates.

Committee activities.

Strategic Plan.

Budget.